

CMPMO No.9 of 2007.

3.8.2007. Present: Mr. Sanjeev Sood, Advocate, for the petitioners.

None for the respondent.

Respondent has been served, but despite service is absent; hence proceeded against exparte.

Through the medium of this application, the petitioner seeks the transfer of Civil Suit No.9/1 of 2006: Shailja Verma and another vs. Gaurav Verma, pending in the Court of Civil Judge (Senior Division), Solan for the grant of maintenance. The prayer for transfer is based upon the convenience of the petitioners. It is contended by Mr. Sanjeev Sood, learned counsel appearing for the petitioners that vide an order passed by this Court on 15th September, 2006 in CMPMO No.194 of 2006, a petition filed by the respondent under Section 13 of the Hindu Marriage Act against petitioner No.1 herein already stands transferred from Solan to the Court of District Judge, Kullu. He also submits that an application under Section 125 of the Code of Criminal Procedure filed by the petitioners against the respondent is also pending in the Court of Chief Judicial Magistrate, Kullu.

Since the respondent has not appeared to contest this petition despite service and because of the aforesaid, I feel convinced that the interests of justice shall be properly served if the transfer request of the petitioners is accepted. I accordingly allow this petition and order and direct that the aforesaid Civil Suit shall be transferred from the Court of Civil Judge (Senior

Division), Solan to the Court of Civil Judge (Senior Division), Kullu. The learned Civil Judge (Senior Division), Solan shall be directed by the Registry to transmit the record of the Civil Suit to the aforesaid transferee Court where the petitioners through their learned counsel are directed to appear on 24th September, 2007. The transferee Court shall proceed to dispose of the suit on its merits and in accordance with law but only after ensuring that the respondent is served a notice of appearance in the transferee Court because this order has been passed in his absence.

The petition is allowed and disposed of.

CMP No.24 of 2007.

In view of the disposal of the main petition, this application shall also stand disposed of.

3rd August, 2007.
(tr)

(V.K. Gupta), C.J.